

(h) For the purpose of showing compliance with this part, for helicopters in the primary, normal, transport, and restricted categories, the following terms have the specified meanings:

(1) *Stage 1 noise level* means a takeoff, flyover, or approach noise level greater than the Stage 2 noise limits prescribed in section H36.305 of appendix H of this part, or a flyover noise level greater than the Stage 2 noise limits prescribed in section J36.305 of appendix J of this part.

(2) *Stage 1 helicopter* means a helicopter that has not been shown under this part to comply with the takeoff, flyover, and approach noise levels required for Stage 2 helicopters as prescribed in section H36.305 of appendix H of this part, or a helicopter that has not been shown under this part to comply with the flyover noise level required for Stage 2 helicopters as prescribed in section J36.305 of appendix J of this part.

(3) *Stage 2 noise level* means a takeoff, flyover, or approach noise level at or below the Stage 2 noise limits prescribed in section H36.305 of appendix H of this part, or a flyover noise level at or below the Stage 2 limit prescribed in section J36.305 of appendix J of this part.

(4) *Stage 2 helicopter* means a helicopter that has been shown under this part to comply with Stage 2 noise limits (including applicable tradeoffs) prescribed in section H36.305 of appendix H of this part, or a helicopter that has been shown under this part to comply with the Stage 2 noise limit prescribed in section J36.305 of appendix J of this part.

[Doc. No. 13243, Amdt. 36-4, 40 FR 1034, Jan. 6, 1975 as amended by Amdt. 36-7, 42 FR 12370, Mar. 3, 1977; Amdt. 36-10, 43 FR 28419, June 29, 1978; Amdt. 36-11, 45 FR 67066, Oct. 9, 1980; Amdt. 36-13, 52 FR 1836, Jan. 15, 1987; Amdt. 36-14, 53 FR 3540, Feb. 5, 1988; 53 FR 7728, Mar. 10, 1988; Amdt. 36-15, 53 FR 16366, May 6, 1988; Amdt. 36-20, 57 FR 42854, Sept. 16, 1992]

#### § 36.2 Special retroactive requirements.

(a) Notwithstanding § 21.17 of this chapter, each person who applies for a type certificate:

(1) For an airplane covered by this part, irrespective of the date of application for the type certificate, or

(2) For a helicopter covered by this part, on or after March 6, 1986, must show compliance with the applicable provisions of this part.

(b) Notwithstanding § 21.101(a) of this chapter, each person who applies for an acoustical change to a type design specified in § 21.93(b) of this chapter must show compliance with the applicable provisions of this part.

[Doc. No. 9337, 34 FR 18364, Nov. 18, 1969, as amended by Amdt. 36-14, 53 FR 3540, Feb. 5, 1988]

#### § 36.3 Compatibility with airworthiness requirements.

It must be shown that the aircraft meets the airworthiness regulations constituting the type certification basis of the aircraft under all conditions in which compliance with this part is shown, and that all procedures used in complying with this part, and all procedures and information for the flight crew developed under this part, are consistent with the airworthiness regulations constituting the type certification basis of the aircraft.

[Doc. No. 9337, 34 FR 18364, Nov. 18, 1969, as amended by Amdt. 36-14, 53 FR 3540, Feb. 5, 1988]

#### § 36.5 Limitation of part.

Pursuant to 49 U.S.C. 1431(b)(4), the noise levels in this part have been determined to be as low as is economically reasonable, technologically practicable, and appropriate to the type of aircraft to which they apply. No determination is made, under this part, that these noise levels are or should be acceptable or unacceptable for operation at, into, or out of, any airport.

#### § 36.6 Incorporation by reference.

(a) *General.* This part prescribes certain standards and procedures which are not set forth in full text in the rule. Those standards and procedures are contained in published material which is reasonably available to the class of persons affected and has been approved for incorporation by reference by the Director of the Federal Register under 5 U.S.C. 552 (a) and 1 CFR Part 51.

(b) *Incorporated matter.* (1) Each publication, or part of a publication, which